

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 202004322	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 8:30 PM	Location of Incident: Between West 43rd Street and West 44th Street on Broadway	Precinct: 14	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 05/31/2020 7:25 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/17/2020 11:10 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Tristian Latimore	10021	954047	PBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Rachel Zamora	19843	956345	PBMS
2. POM Andrew Bhagan	07525	956786	PBMS

Officer(s)	Allegation	Investigator Recommendation
A.POM Tristian Latimore	Force: Police Officer Tristian Latimore used physical force against § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

## Case Summary

On May 31, 2020, § 87(2)(b) filed this complaint with the Internal Affairs Bureau, under original log #20-13811. On June 17, 2020, the CCRB received this complaint.

On May 30, 2020, at approximately 8:30 p.m., § 87(2)(b) and his friend, § 87(2)(b) were on Broadway between West 43<sup>rd</sup> Street and West 44<sup>th</sup> Street in Manhattan, approaching a Black Lives Matter Protest. Approximately eight to twelve officers—including Police Officer Tristain Latimore, Police Officer Rachel Zamora, and Police Officer Andrew Bhagan, all of Patrol Borough Manhattan South Times Square Unit—were walking behind the protesters, about half a block ahead of § 87(2)(b) and § 87(2)(b) was recording the general area around the protest and when he got closer to the officers, he snapped a photograph of PO Latimore. As § 87(2)(b) and § 87(2)(b) proceeded to pass the officers, PO Latimore allegedly pushed § 87(2)(b) s back, causing § 87(2)(b) s upper body to lunge forward slightly (**Allegation A: Force**, § 87(2)(g)). § 87(4-b), § 87(2)(g)

There were no summonses issued or arrests made during this incident.

There is no BWC footage, or any other footage, available regarding this incident.

## Findings and Recommendations

### Allegation (A) Force: Police Officer Tristian Latimore used physical force against § 87(2)(b)

§ 87(2)(b) provided a video, showing the events that transpired immediately after the alleged incident (BR01). The video is 13-second long, and captures § 87(2)(b) recording PO Latimore, who is walking alongside a female officer—identified as PO Zamora—and shouting, multiple times, that the officer pushed him from the back for no reason, while pointing at PO Latimore. § 87(2)(b) proceeds to ask PO Latimore what is wrong with him before ending the video.

Sgt. Peter Rodeschin of Patrol Borough Manhattan South investigated this incident (BR13). During this investigation, he interviewed PO Latimore, as well as PO Bhagan; Sgt. Rodeschin was unable to obtain a statement from § 87(2)(b) despite multiple contact attempts, and he did not seek a statement from PO Zamora. Sgt. Rodeschin recommended that the investigation be closed as unsubstantiated, but Captain Robert Gault closed the case as unfounded.

§ 87(2)(b) stated (BR02) that as he and § 87(2)(b) approached a Black Lives Matter Protest, there were about eight to twelve police officers following behind the protesters, “beating” their batons against their hands. § 87(2)(b) approached the officers, with the intention of photographing them. When he was arms-length away from the officers, § 87(2)(b) snapped a photograph of PO Latimore (BR03). As § 87(2)(b) continued walking and was about two steps ahead of the officers, PO Latimore aggressively pushed § 87(2)(b) on his right shoulder blade, causing him to lunge forward slightly. § 87(2)(b) did not know what PO Latimore used to push him but stated that it felt like a baton. § 87(2)(b) screamed at PO Latimore that he pushed him for no reason.

§ 87(2)(g)  
§ 87(2)(b) She was slightly ahead of § 87(2)(b) and looked back to see that he stumbled forward. § 87(2)(b) did not see PO Latimore push § 87(2)(b)

PO Latimore (BR05) did not initially recall this incident. When the investigation showed him the video that § 87(2)(b) took after the alleged incident (BR01), he stated (BR05) that he and PO Zamora were on Broadway, walking to another location. § 87(2)(b) was about 10 to 15 feet ahead of them, where he took out his phone and recorded a video saying that an officer pushed him. PO Latimore stated that he did not touch § 87(2)(b) adding that he had no interaction with

§ 87(2)(b) before or after the video was recorded. In his statement to Sgt. Rodeschin (BR13), PO Latimore stated that he did not recall using physical force throughout his tour.

PO Bhagan stated (BR06) that, during the incident time, he was at 1 Police Plaza, addressing two summonses that he previously issued. He was there from about 5 p.m. until his end of tour, which was 2:20 a.m. on May 31, 2020; therefore, PO Bhagan testified that he was not present for the incident. His memo book (BR07) confirms that he issued two summonses on West 47<sup>th</sup> Street and 7<sup>th</sup> Avenue for an incident that occurred at 5:53 hours. In PO Bhagan's statement to Sgt. Rodeschin (BR13), he stated that he did not recall seeing PO Latimore lose his composure or push anyone (BR06).

PO Zamora stated (BR12) that she did not recall working with PO Latimore on May 30, 2020. When shown the video of the events proceeding the alleged incident (BR01), PO Zamora did not recognize any officer in the footage, nor did she recognize herself in the video. PO Zamora added that she did not recall seeing any officer, including PO Latimore, come into physical contact—including pushing—with § 87(2)(b) or any civilian on the incident date.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) has been a party (BR09).
- PO Latimore has been a member of service for 7 years and has been a subject in 5 CCRB complaints and 12 allegations, two of which were substantiated:


- 201400933 involved substantiated allegations of a stop and frisk against PO Latimore. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of the New York City Comptroller, § 87(2)(b) has not filed a notice of claim regarding this incident as of November 17, 2020 (BR10).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR11).

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Squad No.: 11

Investigator:	 Signature	Inv. Jessica Russo Print Title & Name	12/11/2020 Date
Squad Leader:	Edwin Pena Signature	IM Edwin Pena Print Title & Name	12/11/20 Date
Reviewer:	 Signature	 Print Title & Name	 Date